

## Proceedings

1 indictment 167N-2005, People versus Mark Orlando.

2 People ready?

3 MR. HAYDEN: Ready.

4 THE CLERK: Defendant ready?

5 MR. LEMKE: Ready.

6 THE CLERK: Let the record reflect the  
7 presence of Mr. Orlando. The jury's not present at this  
8 time.

9 THE COURT: Any applications before the jury  
10 enters?

11 MR. HAYDEN: I would like to put on the record  
12 that I have given to Mr. Lemke items I have designated  
13 as Rosario 113 and Rosario 114. These are printouts  
14 that Detective Kenneth Strigaro used in preparing for  
15 his testimony, even though he didn't write these, except  
16 for upper notations, bottom of 113, he didn't use them  
17 in preparing his testimony, I felt it important Mr.  
18 Lemke have them.

19 I have a copy as well for the Court. That is  
20 Rosario 113 and 114.

21 MR. LEMKE: Acknowledge receipt.

22 MR. HAYDEN: Added to the materials already  
23 provided.

24 THE COURT: Thank you.

25 Anything further?

## Proceedings

1 MR. LEMKE: Nothing further.

2 MR. HAYDEN: That is it.

3 THE COURT OFFICER: Ready for the jury.

4 THE COURT: Yes.

5 THE COURT OFFICER: Jury entering.

6 THE CLERK: Case on trial, indictment

7 167N-2005, People versus Mark Orlando.

8 Again, People ready?

9 MR. HAYDEN: Ready, Your Honor.

10 THE CLERK: Defense ready?

11 MR. LEMKE: Defendant ready, Your Honor.

12 THE CLERK: Let the record reflect the  
13 presence of the jury, the alternates and Mr. Orlando.

14 THE COURT: Good afternoon, ladies and  
15 gentlemen.

16 Mr. Hayden, your next witness.

17 MR. HAYDEN: Yes, Your Honor. Steve  
18 Loschiavo.

19 STEVE LOSCHIAVO, Police officer, called as a witness on  
20 behalf of the People, after having been first duly sworn,  
21 and having stated his shield number as 1566, and his  
22 command as Bureau of Special Operations, Nassau County  
23 Police Department, took the witness stand and testified  
24 as follows:

25 DIRECT EXAMINATION

Loschiavo - People - Direct

1 BY MR. HAYDEN:

2 THE CLERK: Have a seat. State your name,  
3 spell your last name, your shield number and command.

4 THE WITNESS: Police Officer Steven Loschiavo,  
5 L-O-S-C-H-I-A-V-O, shield 1566, Bureau of Special  
6 Operations, Nassau County Police.

7 THE COURT: Good afternoon.

8 THE WITNESS: Good afternoon.

9 THE COURT: Mr. Hayden.

10 MR. HAYDEN: Yes, Your Honor.

11 Q. Good afternoon.

12 A. Good afternoon.

13 Q. How long have you been a member of the Nassau  
14 County Police Department?

15 A. Twenty years.

16 Q. How long have you been with the Bureau of Special  
17 Operations?

18 A. Eleven years.

19 Q. Describe for the jury what the Bureau of Special  
20 Operations does?

21 A. We're the tactical team, the SWAT team, of the  
22 county, and we also do plain clothes anti crime patrol.

23 Q. Do you know a man named Mark Orlando?

24 A. Yes, I do.

25 Q. Briefly describe Mark Orlando?

COPY MO

Loschiavo - People - Direct

1 A. He is a male white, about five eleven, heavy set,  
2 brown hair, brown eyes.

3 Q. Do you see Mark Orlando in this courtroom today?

4 A. Yes.

5 MR. LEMKE: So stipulated, Your Honor.

6 THE COURT: Let the record reflect the witness  
7 has identified the defendant as Mark Orlando.

8 Q. I am directing your attention to around [REDACTED] the  
9 night of Thursday, [REDACTED] 2004.

10 Were you working then?

11 A. Yes.

12 Q. How were you dressed?

13 A. I was in plain clothes.

14 Q. Were you working with another Bureau of Special  
15 Operations officer then?

16 A. Yes.

17 Q. Who was that?

18 A. Officer Kevin McCarthy.

19 Q. How was he dressed?

20 A. He was also in plain clothes.

21 Q. Were you and Officer McCarthy using a motor  
22 vehicle?

23 A. Yes.

24 Q. Describe it?

25 A. It's a black four door Grand Prix.

Loschiavo - People - Direct

1 Q. Did you and Officer McCarthy arrest the defendant  
2 Mark Orlando at around 9:10 that Thursday night?

3 A. Yes.

4 Q. Describe how that arrest took place?

5 A. Mr. Orlando left his place of business and drove  
6 onto Route 110 in Farmingdale northbound. Myself and Officer  
7 McCarthy in the black Grand Prix followed behind as Mr.  
8 Orlando pulled into a shopping center. I believe it was  
9 Airport Plaza Shopping Center. We proceeded to stop his  
10 vehicle in the parking lot.

11 Q. Describe how the vehicle was stopped?

12 A. Mr. Orlando was coming to a stop for a stop sign  
13 inside the shopping center's parking lot. As he came to a  
14 stop, a marked Nassau County police car came up on my left  
15 and pulled in front of Mr. Orlando's car, at the same time, I  
16 was behind him with my emergency lights on.

17 Q. What did Police Officer McCarthy do when the  
18 defendant stopped his vehicle?

19 A. He exited the Grand Prix on the passenger's side  
20 and walked around the passenger's side of Mr. Orlando's  
21 vehicle towards the front of Mr. Orlando's car.

22 Q. Was Officer McCarthy armed?

23 A. Yes, he was.

24 Q. How?

25 A. Well, he had his handgun in his holster on his

Loschiavo - People - Direct

1 waist but he also had a G36 which is a long gun, a  
2 semiautomatic rifle.

3 Q. Was he displaying that?

4 A. Yes.

5 Q. Was he wearing his badge at the time?

6 A. Yes, he was.

7 Q. Describe for the jury how he was wearing his badge?

8 A. Well, similar to the way I am right now, it's on a  
9 chain around his neck, hanging down to his, middle of his  
10 chest.

11 Q. Describe for the jury what you did when the  
12 defendant stopped the vehicle he was driving?

13 A. I existed the driver's side, walked right up to Mr.  
14 Orlando's driver's side door, opened it and identified myself  
15 and asked him to step out of the vehicle.

16 Q. Did he say anything?

17 A. As I got to the door and opened it, his attention  
18 was focused straight ahead at the marked police car. As I  
19 opened the door, his head snapped around towards me and he  
20 muttered, oh shit, oh shit, and that was basically all he  
21 said.

22 Q. Did he step out of his car?

23 A. He stepped out, but he was, also went, I directed  
24 him down towards the ground. So, he came out of his car and  
25 went right down on his stomach on this ground.

Loschiavo - People - Direct

1 Q. What happened next?

2 A. Once he was on the ground, I handcuffed him behind  
3 his back, assisted him in getting back to his feet, and at  
4 that point, I turned him over to homicide.

5 Q. Did you turn him over to Detective Jack McHugh and  
6 Detective Jim McGinn of the Homicide Squad?

7 A. Yes, I did.

8 Q. Do you have any further dealings with him?

9 A. With Mr. Orlando?

10 Q. Yes.

11 A. No:

12 MR. HAYDEN: Nothing further, Your Honor.

13 THE COURT: Yes.

14 CROSS EXAMINATION

15 BY MR. LEMKE:

16 Q. Officer, after my client was placed down on the  
17 ground and handcuffed, did you either pat him down or frisk  
18 him for your own safety?

19 A. I believe that was done by the homicide detectives  
20 before he got in the vehicle.

21 Q. No weapons, no drugs, or anything was found,  
22 correct?

23 A. I don't believe so, no.

24 Q. Nothing further. Thank you.

25 He was very could cooperative?

MO

Loschiavo - People - Cross

1 A. As far as I was concerned, yes.

2 MR. LEMKE: Thank you. Nothing further.

3 THE COURT: Thank you.

4 THE WITNESS: Thank you.

5 (Witness excused.)

6 MR. HAYDEN: Detective Kenneth Strigaro.

7 KENNETH STRIGARO, detective, called as a witness on behalf of  
8 the People, after having been first duly sworn, and  
9 having stated his shield number as 9294, and his command  
10 as Electronics Squad, Nassau County Police Department,  
11 took the witness stand and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. HAYDEN:

14 THE CLERK: Have a seat. State your name,  
15 spell your last name, your shield number and command.

16 THE WITNESS: Okay. My name is Detective Ken  
17 Strigaro, S-T-R-I-G-A-R-O, shield number 9242, command  
18 is electronics squad.

19 THE COURT: Good afternoon.

20 Mr. Hayden.

21 MR. HAYDEN: Yes, Your Honor.

22 THE COURT: Keep your voice up, detective, so  
23 everybody can hear. Thank you.

24 THE WITNESS: Okay.

25 Q. Good afternoon, detective.

**COPY** MO



Strigaro - People - Direct

1 A. Good afternoon.

2 Q. How long have you been a member of the Nassau  
3 County Police Department?

4 A. Twelve years.

5 Q. How long have you been a detective?

6 A. Four and-a-half years.

7 Q. How long have you been with the electronics squad?

8 A. Four and-a-half years.

9 Q. Tell the jury about the electronics squad?

10 A. The electronics squad is a support squad for all  
11 the other squads that make up the police department's  
12 investigative wing of the command. We're responsible for  
13 any type of electronic surveillance, whether that is audio,  
14 video surveillance, could be wiretap, pen register. We go  
15 out on a regular basis and recover videotape evidence from  
16 security systems, from various facilities, businesses, homes,  
17 we do still images, remake videotapes from the information we  
18 gather. That kind thing.

19 Q. How long have you been with the electronics squad?

20 A. Four and-a-half years.

21 Q. Describe your background in the field of  
22 electronics?

23 A. Prior to becoming a police officer, I studied  
24 electrical engineering. I got my degree, my Bachelor of  
25 Science in electrical engineering. I also was in the

Strigaro - People - Direct

1 Electronic Associates Program at New York Institute of  
2 Technology. That is where I got my Bachelor of Science. I  
3 am also a bench technician. I took a course back in the  
4 early eighties for that.

5 Q. Did you work before joining the Nassau County  
6 police department?

7 A. Yes, I did.

8 Q. Where?

9 A. My immediate employer prior to becoming a police  
10 officer was Grumman Arrow Space. I was an RF engineer for  
11 Grumman Air Space. And prior to that, I was an engineer for  
12 Long Island Lighting Company.

13 Q. Have you become familiar with cell site towers in  
14 the course of your work?

15 A. Yes.

16 Q. What do you mean by a cell site tower?

17 A. Cell site tower transmit and receives cite that the  
18 cellular companies use to get the telephone conversations  
19 from the cell phone that you carry around with you everyday  
20 back into their network, and then hand it off to regular  
21 telephone lines to complete your call.

22 Q. Briefly describe how a cell site tower works?

23 A. Cell site tower, every company does it a little bit  
24 differently, but fundamentally speaking a cell site tower is  
25 nothing more than a transmit receive meaning that its capable

Strigaro - People - Direct

1 of transmitting signals emanating from it, and receiving  
2 signals to it. The received signals coming to it are from  
3 the cell phones we carry around with us on a regular basis.  
4 And that information is then transmitted to a whole bunch of  
5 computers that run the cellular system through either phone  
6 lines, trunk lines, or sometimes they use microwave lengths.

7 Q. Does a cell site tower take signals from any  
8 direction in the immediate vicinity of the tower?

9 A. It depends on the design of the tower. Typically  
10 most cell site towers have a, try to have a 360 degree  
11 pattern of coverage. Some do not. Some are specifically  
12 targeted for individual areas. But on a general point of  
13 view, most of them try to cover a 360 degree range within a  
14 geographical area around the tower.

15 Q. I am directing your attention to December 4, 2004.

16 Did you become involved then with investigating the death  
17 of a young man named Bobby Calabrese?

18 A. Yes, I did.

19 Q. Where did Bobby Calabrese die?

20 A. It was on Broadway in Island Park, North Long  
21 Beach.

22 Q. Did you respond to a storage facility on the block  
23 where Bobby died?

24 A. Yes, I did.

25 Q. What is the name of the storage facility?

Strigaro - People - Direct

1 A. I believe it's Central Self Storage.

2 Q. Where is Central Self Storage located?

3 A. The address is on Austin Boulevard in North Long  
4 Beach, Island Park. It kind of sits between Austin Boulevard  
5 and Broadway.

6 Q. Is the front on Austin Boulevard?

7 A. Correct.

8 Q. Is the rear on Broadway?

9 A. Yes.

10 Q. Are there video cameras outside of the facility?

11 A. Yes.

12 Q. Is there a video camera facing east from the rear  
13 of the storage facility?

14 A. Yes.

15 Q. Does that video camera face out across Broadway?

16 A. Yes.

17 Q. Is there a video camera facing northeast from the  
18 rear of the storage facility?

19 A. Yes.

20 Q. Does that video camera intersect Broadway at an  
21 angle?

22 A. Yes.

23 Q. Describe the system that records what the video  
24 cameras cover?

25 A. The video security system that was installed at the

Strigaro - People - Direct

1 storage facility was a, I believe, thirteen camera video  
2 security system. It had cameras inside and outside the  
3 facility, and the images were stored on what is called a  
4 digital video recorder or DVR.

5 Q. Can you set the system in different ways?

6 A. Yes, you can.

7 Q. Tell the jury what you mean by that?

8 A. This particular system is, it's a sophisticated  
9 system. It can have, as far as I can tell, three modes of  
10 operation. It can have what is called a time lapse only mode  
11 of operation which means that at a prescribe or  
12 pre-programmed period of time the system will automatically  
13 just go out and whatever image it has in it's buffer at the  
14 time it's going to grab it and store it to the hard drive in  
15 the system.

16 There is another mode of operation called event or alarm  
17 mode of operation and this mode of operation, it takes into  
18 account that certain activity that a particular camera sees  
19 triggers the system to record those images, and when there is  
20 no activity on any camera at any particular time it doesn't  
21 record anything.

22 And then there is a third mode of operation which is the  
23 combination of both the time lapse and the event or alarm  
24 mode in which when there is no activity on any cameras, it  
25 sits in this time lapse mode where it's just going to wait

Strigaro - People - Direct

1 predefined period of time going to grab an image and if  
2 there's any activity, it automatically drops out of that time  
3 lapse mode and goes into that event mode where it's going to  
4 grab the images that it sees as pertinent images to record.

5 Q. How does the system define that activity?

6 A. The system in this particular DVR, it's based on a  
7 sensitivity setting, and it's also based on how many or how  
8 much of the screen actually changes from light to dark. This  
9 particular unit was set at a mid-range setting. So, it would  
10 take a fair amount of change in light or change in contrast  
11 from light to dark in order for it to trigger it to record.

12 Q. How was the storage company system set in December  
13 of 2004?

14 A. The storage company system was set up to operate in  
15 a time lapse plus event alarm configuration. In the time  
16 lapse mode it was programmed to record an image approximately  
17 ever thirty-six seconds and in the event mode I think it was  
18 about every two and-a-half to three seconds, and if there was  
19 a lot of activity going on, it would record an imagine about  
20 once a second.

21 Q. I am going to ask the following questions based on  
22 the settings as they were in December of 2004.

23 Do you understand?

24 A. Yes.

25 Q. Did the systems sometimes record images

Strigaro - People - Direct

1 continuously?

2 A. Well, I guess the answer to that is yes and no.  
3 The way the system is set up is that if it sees activity,  
4 depending on the level of activity, it records an image about  
5 once a second. If it's a lot of activity. If you consider  
6 that continuous, then the answer is yes. But, really it's  
7 taking discreet images about once a second for a lot of  
8 activity. For less activity it takes an image about every, I  
9 guess it's two and-a-half, three seconds. Then if there is  
10 no activity at all, obviously it's doing it about every  
11 thirty-six seconds.

12 Q. There would always be intervals between images?

13 A. Always.

14 Q. Does the system sometimes stop recording visual  
15 images as time continues to run?

16 A. Yes.

17 Q. What do you mean by that?

18 A. Again, the way the system works is that there is  
19 one master clock that the system basically takes, every image  
20 that it comes, that comes into it and records it, and what it  
21 does is it records the image that comes in. It tell us what  
22 camera recorded, then it puts a time date stamp on. Also a  
23 water mark on it for authenticity.

24 But every camera in the system can trigger the unit to  
25 record at any given time. So, if you're looking at one

Strigaro - People - Direct

1 particular camera and there is no activity on it, but one of  
2 the other twelve cameras the systems has working sees  
3 something that has activity on it, it makes the system clock  
4 run although the image that you're looking at at that  
5 particular time is not moving or not changing. So, it gives  
6 the appearance that the clock is moving but no images are  
7 being updated.

8 Q. So, the system would continue holding a signal  
9 frame?

10 A. Yes, it holds the frame on play back until the next  
11 frame replace it.

12 Q. So, let's say you have an automobile in the image.  
13 You'd just be looking at that automobile and time would be  
14 passing?

15 A. If the automobile does not move enough or something  
16 changes enough in that image to cause the system to update  
17 it, it will stay on that image until whatever activity on  
18 that camera causes it to record a new image or in this  
19 particular case, approximately thirty-six seconds go by, it's  
20 automatically going to update it with whatsoever's in front  
21 of it.

22 Q. There are times when time would just jump on the  
23 videotape?

24 A. That's correct.

25 Q. When I say videotape, that is incorrect. It's the



Strigaro - People - Direct

1 images in the system; is that right?

2 A. It's images of the system stored, correct.

3 Q. The system is not recording a video tape; is that  
4 right?

5 A. That's right.

6 Q. It's recording it in a hard drive?

7 A. That's right.

8 Q. Describe how a person gains access to this system's  
9 visual images?

10 A. This particular system was a stand alone system.  
11 So, you gain access to the images that was, that was stored  
12 on the hard drive through the front panel.

13 Q. Is there a date and time displayed on images  
14 recorded by the storage company's digital system?

15 A. Yes.

16 Q. Was the time accurate in early December of 2004?

17 A. No.

18 Q. How was the time inaccurate?

19 A. The time was off by about an hour.

20 Q. How did you determine that the time was not  
21 accurate?

22 A. General rule of thumb when you do enough of these  
23 the first thing you do is you look when you get to the  
24 location at what it's doing in front of you at that time,  
25 real time, and you check to see what the date and time it has

Strigaro - People - Direct

1 programmed into it. And in this particular instance the date  
2 was correct but when I compared it to the time I had on my  
3 wristwatch it was off by about an hour.

4 Q. It was off an hour; isn't that correct?

5 A. Approximately an hour, yes.

6 Q. Was this on daylight savings time?

7 A. It appears to be that way.

8 Q. At the time, of course, it was standard time?

9 A. That's correct.

10 Q. Should have been standard time?

11 A. Correct.

12 Q. So, on the videotape everything is an hour ahead?

13 A. That's right, from the actual time.

14 Q. Once again I said videotape?

15 A. DVR.

16 Q. It's the imagine from the hard drive from the  
17 system?

18 A. Correct.

19 Q. Was the system sometimes recording visual images  
20 between eight o'clock and nine o'clock on the night of  
21 Friday, December 3, 2004?

22 A. Yes.

23 Q. How did you determine that?

24 A. What I did was, through the front panel of the unit  
25 I went into the search mode of the system. I entered the

Strigaro - People - Direct

1 time and date of interest on December the third for two  
2 particular cameras that the system recorded on. Once you  
3 enter the information in and you ask it to search its  
4 database for that, if it finds any matches for the parameters  
5 you input into it, it automatically brings them on the  
6 screen, asks if you want to display, you hit yes. You choose  
7 whatever camera you want.

8 In this case I did it for one camera at a time, and when  
9 I asked it to play back the information, it just  
10 automatically plays back whatever it has stored for that  
11 camera for that particular time.

12 Q. Did the system sometimes record visual images  
13 continuously with intervals between each frame, between eight  
14 o'clock and nine o'clock that Friday night?

15 A. Yes.

16 Q. How did you determine that?

17 A. Again, based on the input parameters you put in, it  
18 brings back any information that this has based on the start  
19 date and time, the stop date and time that you're requesting,  
20 and it just automatically plays them for you.

21 Q. Was the time running as the system recorded visual  
22 images continuously with intervals, between each frame,  
23 between eight o'clock and nine o'clock that Friday night?

24 A. Yes.

25 Q. Did the system sometimes hold still images with the

Strigaro - People - Direct

1 time running between eight o'clock and nine o'clock that  
2 Friday night?

3 A. Yes.

4 Q. Were there gaps in time where nothing was  
5 recorded?

6 A. Yes.

7 Q. Did the system record visual images between 8:35  
8 and 8:36 that Friday night?

9 A. Yes.

10 Q. How did you determine that?

11 A. Again, as I stated to you before, by putting in the  
12 start and stop times and the start and stop dates, I  
13 originally put in, I think, as a search parameters, somewhere  
14 around, because the time was off by an hour, I put in from  
15 nine p.m. to approximately ten p.m., and it played everything  
16 that had recorded or was stored on this hard drive during  
17 that time frame and it did come up with information during  
18 that period of time.

19 Q. Did the system record any moving images with  
20 intervals between each frame between 3:35.08 and 8:26 that  
21 Friday night?

22 A. No.

23 Q. Did you retrieve visual images between eight and  
24 nine o'clock that Friday night?

25 A. Yes.

Strigaro - People - Direct

1 Q. Describe for the jury how you did that?

2 A. On this particular case, there was no output device  
3 that was hooked up to this unit. No output device meaning no  
4 VCR, no CD burner, no DVD burner. Typically meaning we used  
5 to off load videos from video systems. This is not  
6 uncommon. What I had done was I had brought with me a  
7 portable videotape recorder and what I had done was I  
8 accessed the port where the video comes out of the DVR and  
9 goes to the local monitor there where you can view what is  
10 going on, and I tapped into that so that whatever we were  
11 seeing, and the screen was being recorded to my portable  
12 video recorder, and I recorded all the information that we  
13 had at that time.

14 Q. Did you transfer those visual images to a  
15 videotape?

16 A. Yes.

17 Q. What times are covered by that videotape?

18 A. I believe it's approximately-- well, the time stamp  
19 on the tape itself is approximately I'd say like 9:10  
20 thereabouts to about 9:45, but the reality of it is it was  
21 8:10 to 8:45.

22 Q. Is there anything missing that was recorded from  
23 between those times?

24 A. No.

25 Q. How did you compose the videotape?

Strigaro - People - Direct

1           A.    Like I said, when I got there I hooked up the  
2   portable videotape recorder, not knowing what I had when I  
3   first got there, whether there was a lot of information still  
4   unknown because this was early on in the investigation. I  
5   just hit the record button on my portable tape player and  
6   just recorded everything we were doing as we were searching  
7   the database on the DVR as in the play back mode. If there  
8   was anything of any interest to any of the detectives that  
9   were at the scene, I was able to freeze frame it, go  
10  backwards, you forwards, go backwards a few frames, fast  
11  forward, just going through the investigation trying to  
12  identify anything that was of any interest to any of the  
13  detectives at that time.

14           Q.   Those pauses are part of the videotape?

15           A.   Yes.

16           Q.   Those pauses weren't from the system itself, they  
17  were from you?

18           A.   Some of the images were as a result of me manually  
19  pausing the system from playing. Other ones it's just a  
20  natural way the systems works.

21           Q.   Is there anything on the videotape you composed  
22  that is not from the storage facility recording system?

23           A.   No.

24           Q.   Is everything between the times you recorded the  
25  storage facility system included in your videotape?

Strigaro - People - Direct

1 A. Yes.

2 Q. Anything missing?

3 A. No.

4 Q. Have you watched the videotape you composed?

5 A. Yes.

6 Q. Have you watched it a number of times?

7 A. Yes.

8 Q. When did you last watch it?

9 A. Today.

10 Q. Has the videotape been marked?

11 A. Yes.

12 Q. How?

13 A. The tape is marked with the, I believe it's the  
14 homicide number, the date I was called down to the location,  
15 a general description of some of the information on the tape,  
16 and my initials, my shield number and my command.

17 MR. HAYDEN: Your Honor, may I please have  
18 this videotape that has been marked 57 for  
19 identification shown to the witness.

20 THE COURT: Yes.

21 THE COURT OFFICER: The witness has 57 for ID.

22 Q. Do you recognize that?

23 A. Yes.

24 Q. What is it?

25 A. This is a VHS copy of the tape that I made the day

Strigaro - People - Direct

1 I went down to the storage facility.

2 Q. Is that a fair and accurate representation of the  
3 visual images recorded by the storage facility's security  
4 system?

5 A. Yes.

6 Q. Is there any difference between the visual images  
7 on that videotape and the visual images recorded by the  
8 storage facility security system?

9 A. No.

10 MR. HAYDEN: People offer that in evidence.

11 MR. LEMKE: No objection, Your Honor.

12 THE COURT: People's 57 in evidence.

13 THE COURT OFFICER: People's 57 marked in  
14 evidence.

15 Q. Did you take photographs of the security camera  
16 facing east and northeast?

17 A. Yes.

18 MR. HAYDEN: Your Honor, may I please have  
19 these three photographs, 58, 59 and 60 shown to the  
20 witness.

21 THE COURT: Yes.

22 THE COURT OFFICER: The witness has 58, 59 and  
23 for ID.

24 Q. Do you recognize those photographs?

25 A. Yes.



Strigaro - People - Direct

1 Q. Did you take them?

2 A. Yes.

3 Q. What do those photographs depict?

4 A. The first photograph depicts the two cameras that  
5 are mounted on the rear of the storage facility. One facing  
6 east looking out the back gate towards Broadway. The other  
7 camera faces in the northeast direction looking at the  
8 northeast corner of their property out further onto Broadway.

9 THE COURT: What exhibit number is that.

10 THE WITNESS: That is 58.

11 THE COURT: 58 that was?

12 THE WITNESS: Right.

13 A. 59 shows basically the, what the camera that looks  
14 east sees, the back gate and Broadway. And 60 basically  
15 shows what the camera facing northeast sees looking up in the  
16 direction on Broadway.

17 Q. Are those photographs fair and accurate  
18 representations of the appearance and location of the east  
19 and northeast video cameras as they were when you first saw  
20 them?

21 A. Yes.

22 MR. HAYDEN: Offer them in evidence, Your  
23 Honor.

24 MR. LEMKE: No objection, Your Honor.

25 THE COURT: People's 58, 59 and 60 in

Strigaro - People - Direct

1 evidence.

2 THE COURT OFFICER: People's 58, 59 and 60  
3 marked in evidence.

4 Do you want them shown to the witness?

5 MR. HAYDEN: No, I'd like to have them.

6 May I approach the presenter, Your Honor?

7 THE COURT: Yes.

8 Q. Detective, please step down to the side of that  
9 presenter. Stand to the right of it as you're facing it,  
10 please.

11 I am now placing 58 on the presenter.

12 Please describe for the jurors what that photograph  
13 depicts?

14 A. This is basically the two cameras, there's the east  
15 facing camera and the northeast facing camera that is mounted  
16 on the rear of the storage facility in Island Park, Long  
17 Beach.

18 Q. I am now placing 59 on the presenter.

19 Please describe what that depicts.

20 A. This is a general view shot of what the east camera  
21 basically looks at from its point of view. I am a little bit  
22 to the side of it, but it looks out the back driveway  
23 entrance outside onto Broadway.

24 Q. I am now -- there's a fence prominently displayed  
25 in that photograph; is that right?

Strigaro - People - Direct

1 A. That is a gate, yes.

2 Q. There's a gate to the side. Was it open into the  
3 side when the video system was recording on the night of  
4 Friday, December 3, 2004?

5 A. Yes, it was.

6 Q. So, you wouldn't see it this way?

7 A. That's right.

8 Q. This would be open in the middle; is that right?

9 A. Correct.

10 Q. I am now placing 60 on the presenter.

11 Describe what that depicts?

12 A. This is just a general view shot of what the  
13 northeast camera field of view or point of view would be  
14 showing. It was trying to pick up this northeast area of the  
15 storage facility property and beyond the gate out onto  
16 Broadway.

17 MR. HAYDEN: Your Honor, with the Court's  
18 permission, may I play this videotape for the jury, and  
19 with the Court's permission, may Detective Strigaro use  
20 that remote and pause the video wherever necessary to  
21 explain to the jury what is going on, and what the  
22 videotape depicts?

23 THE COURT: Yes.

24 (Whereupon, People's exhibit 57 in evidence was  
25 played in open court.)

Strigaro - People - Direct

1 A. Okay. I missed that, so hang on.

2 This is the east camera on the night of occurrence and  
3 what you are seeing is all of the information that the  
4 digital video recorder captured at that time.

5 Let me rewind it real quick for you.

6 This just shows the taillights of a car going by. This  
7 car happened to be parked in the limo facility right next  
8 door.

9 What you will see is at times the images go forward and  
10 backwards and what that is a function of, at the time I was  
11 making this recording, there are other detectives there with  
12 me. We didn't know what we had at the time. So, as an image  
13 went passed the screen, somebody would say, what is that and  
14 we'd stop and we'd look at it and we continue along.

15 This image here we stopped at for a little while. The  
16 detectives that were working with me at the time thought this  
17 car was of significance. It appears as though based on their  
18 investigation that this car was a car of interest to them at  
19 that time.

20 Q. Detective, just got to speak up so the jury can  
21 hear you. Turn to them and pause and speak loudly.

22 A. Okay.

23 Q. Did you hear up to this part? Okay.

24 Again, this image is frozen on the screen here  
25 intentionally. What we would, we were doing at the time was

Strigaro - People - Direct

1 as an image came up on the screen, sometimes I would stop it,  
2 I'd freeze it, we would talk about it, see if it was of any  
3 interest to anybody.

4 Again here's another car travelling southbound on  
5 Broadway. We really didn't know what we had at the time so  
6 anything that passed in front of this camera we tried to  
7 capture that image because it could be significant later on.  
8 That is why sometimes you see the images jump passed you.  
9 Other times they just kind of sit there for a while.

10 You have to keep in mind that the way the system is  
11 working it's recording an image about, depending on, once  
12 every two seconds, once every second.

13 So, sometimes you will see maybe just the front of a car  
14 on the left side of the screen. When, if it goes to grab  
15 another image, the car is moved a certain amount of  
16 distance. All you see is the back of the car.

17 This is just a guy driving by on a bicycle.

18 Didn't know what that was.

19 Another car travelling southbound.

20 Again, it's going back and forth because I am trying to  
21 move the frames to see what, capturing the best image of the  
22 vehicle such that down the road if this happens to be  
23 something of interest to the investigating detective, try to  
24 get the best image possible to try to enhance it, blow it up,  
25 whatever needs to be done, to aid in the investigation.

Strigaro - People - Direct

1           Again here's another car travelling southbound and the  
2 same thing, we will just freeze it to just look at it, and  
3 then move along.

4           Here's another car. These are all the images. This is  
5 everything that was captured from this camera that was  
6 recorded to that DVR that night anything that happened in  
7 front of this camera field of view, from the time frame I put  
8 in, which was about ten after eight until about a quarter to  
9 nine, it recorded.

10           This image here is the victim driving northbound on  
11 Broadway. The reason why we knew that at the time was this  
12 car had some distinctive wheels, and as soon as the  
13 investigating detective saw it they said that is the victim.

14           Here another car travelling northbound. This is shortly  
15 after the victim drove up the street. And again this is  
16 another northbound car. I believe this is one of the last  
17 cars.

18                           THE COURT: Keep your voice up.

19           A. This is one of the last cars we recorded that  
20 night.

21           Okay. This is the, this was the northeast camera. This  
22 videotape starts at about, the clock says 9:13. It's  
23 approximately 8:13, 8:13 at night. And again based on the  
24 picture that you saw, this is looking at the northeast part  
25 of the storage facility property and beyond the fence.

Strigaro - People - Direct

1 Here you will see, this is actually somebody that works  
2 in the limo company next door. He just gets in his car. You  
3 will see him drive away.

4 Here's one of those cars just driving southbound on  
5 Broadway that you saw from the east camera angle.

6 What I want to show you at this point is, if you see  
7 really nothing on the screen is changing, but if you can see  
8 this monitor, the time up here is sequencing and that is the  
9 normal operation for this digital video recorder because even  
10 though this northeast camera doesn't see anything on it that  
11 is going to trigger it to update this image, one of the other  
12 twelve cameras that the system is recording sees something,  
13 and it forces the system's clock to move. That is why  
14 sometimes even though there's nothing changing on this  
15 screen, the clock up on the top is moving along.

16 Okay. This was the car I pointed out to you on the east  
17 camera, the car of interest that I talked about. This is  
18 that car now entering into the northeast camera field of  
19 view. For some reason the car stops here for a minute and  
20 then it's gone. This is just another car travelling  
21 southbound on Broadway. Okay.

22 This car now you see that is travelling southbound on  
23 Broadway is now doing a U-turn to head northbound on  
24 Broadway, and the reason why I am bringing that to your  
25 attention is this is that same car of interest, the car that

Strigaro - People - Direct

1 I pointed out to you earlier. The reason we know this, there  
2 is a distinct black line that bisects the license plate on  
3 this vehicle that no other car on the videotape that was  
4 captured that night demonstrates other than this vehicle.  
5 That is how we can correlate this car to the other car, or  
6 this image to the other image.

7 Okay. Now, he left northbound again and again you're  
8 going to see their screen's not moving, but the clock is  
9 still moving along. This is the way this video recorder is  
10 programed. This is normal operation.

11 Okay. Again, same car, car of interest, coming back down  
12 south on Broadway again, making the U-turn, and again we know  
13 it's that car because of that distinct line no other car in  
14 this video, you can watch this a thousand times, has that  
15 black line on it.

16 Now he is pulling along side the curb, parking it  
17 appears.

18 Now, if you just notice the car back up a little bit  
19 further, looks like there is an obstruction right here. You  
20 can only see part of the car. There's actually a Cadillac  
21 parked, an older Cadillac that is parked on the curb right  
22 here, and the car, for whatever reason, backs up closer to  
23 the Cadillac.

24 Now, what you are seeing is, appears though the car is  
25 gone, the car, the headlights, all the lights on the car is



Strigaro - People - Direct

1 turned over. It's still there. Headlights turn back on.  
2 The change in light triggers the DVR to record something.

3 This is just another one of the cars travelling  
4 southbound on Broadway.

5 Again there's another one that we pointed out earlier  
6 with the east camera.

7 All right. This is now the victim entering the view of  
8 the northeast camera.

9 Here you see the victim pulling in front of this parked  
10 vehicle.

11 Now, the victim's car is parked on the curb.

12 Now you see this vehicle is now pulling away from the  
13 curb in or between the camera and the victim's vehicle stops  
14 at this point, hits their brakes, drives away.

15 This is the first vehicle travelling northbound or  
16 southbound on Broadway that is going to come across the body  
17 in the road.

18 As you can see, the car stops right along side where the  
19 body was.

20 And, this is the last car that I showed you on the east  
21 camera going northbound.

22 Right here it appears as though these shadows are images  
23 of people that are now coming over to see what happened.

24 And, that is it.

25 Q. Detective, would you take that back to 8:35,

Strigaro - People - Direct

1 please. Rewind it.

2 A. Okay where in 8:35.

3 Q. As close to 8:35.00 as you can get it?

4 A. Okay. 8:35.00.

5 Q. What I would ask you to do is run it and please  
6 pause -- you testified that that system holds single images  
7 and time passes.

8 Show the jurors what you mean using that time sequence  
9 between 8:35 and 8:36.

10 A. Okay. Here you're going to see the victim come  
11 up. I just jumped passed it. Let me move that back.

12 Okay. If you notice the time right now it's saying  
13 9:35.05 which is 8:35, approximately 08. The next frame that  
14 you're going to see the system record is 935.33.

15 What happened is, it was not enough change in light  
16 anywhere in this picture to trigger this system to record  
17 anything. So, this was the last image it saw that had not  
18 activity, enough change in light to get the system to record  
19 and, 9:35.33 something else in this field of view or in any  
20 other camera in the system caused the clock to start running  
21 again.

22 So, it appears as though this image is frozen but the  
23 clock is still moving.

24 The next image that this thing captures is the car over  
25 on the side, parked on the side, and that is at 9:35.44.

Strigaro - People - Direct

1 Q. Does it hold that single image for awhile?

2 A. Yes.

3 Q. Show the jurors what you mean?

4 A. The clock is advancing at this time. The image is  
5 not changing. It's going up to 50, and at 9:35.50, this car  
6 starts to move which has enough change in light that the  
7 system detects it as motion and starts, this camera starts  
8 recording again.

9 Q. Would you take it back again before the vehicle  
10 behind starts moving?

11 A. Okay. Do you want me to stop.

12 Q. Just stop when it's holding a still image.  
13 Stop on that again?

14 A. Right there.

15 Q. When it's holding a still image?

16 A. Okay.

17 Q. Now, things are happening that you don't see; is  
18 that right?

19 A. Correct.

20 Q. All you're stuck with is this single image?

21 A. Yes.

22 Q. Anything could be happening outside of what is  
23 going on in that single image, that is just an image what the  
24 camera had recorded some time before?

25 A. All you know based on this videotape is that the

Strigaro - People - Direct

1 system did not detect enough change in light, in the overall  
2 picture to warrant it to start recording again. And what it  
3 does is it takes the last image that it records and just  
4 displays it on the screen until it's got a new image to  
5 update it.

6 Q. There are things happening you don't see?

7 A. Very possibly. I mean, it jumps from 9:35.00 to  
8 9:35.33, 32.

9 Q. Then holds a still image?

10 A. Again.

11 Q. For many seconds more?

12 A. Right.

13 Q. Is that right?

14 A. That's correct.

15 THE COURT: You can continue.

16 MR. HAYDEN: Yes, Your Honor.

17 Q. Have you played still representations of individual  
18 frames of the videotape in evidence?

19 A. Yes.

20 Q. Describe how you did that?

21 A. In our office we have an video capture tool. It's  
22 basically a computer that has a video card in it. You play a  
23 videotape in the machine, the videotape goes into the video  
24 card of the computer and then with software you are able to  
25 freeze an image and then print it out.

Strigaro - People - Direct

1 Q. That is what you did?

2 A. Yes.

3 MR. HAYDEN: Your Honor, may I please have  
4 these items which have been marked 61A through 61Q shown  
5 to the witness.

6 THE COURT: Yes.

7 THE COURT OFFICER: Witness has 61A through  
8 61Q for ID.

9 Q. Do you recognize those?

10 A. Yes.

11 Q. What are they?

12 A. These are the still images that I captured from  
13 that videotape.

14 Q. Are they fair and accurate representations of  
15 individual frames of the videotape that have been introduced  
16 in evidence?

17 A. Yes.

18 Q. Is there any difference between those  
19 representations and the individual frames of videotape?

20 A. I'd say no.

21 MR. HAYDEN: The People offer those, Your  
22 Honor, as 61A through 61Q in evidence.

23 MR. LEMKE: No objection, Your Honor.

24 THE COURT: Mark them into evidence.

25 THE COURT OFFICER: People's exhibits 61A

Strigaro - People - Direct

1 through 61Q have been marked in evidence.

2 Do you want them shown back to the witness?

3 MR. HAYDEN: No. No, thank you.

4 May I please have 54 in evidence given to the  
5 witness, Your Honor.

6 THE COURT: Yes.

7 THE COURT OFFICER: The witness has 54 in  
8 evidence.

9 Q. Are these the AT&T Wireless Telephone records?

10 A. Yes.

11 Q. Using those records in evidence, do you see  
12 references to cell site towers?

13 A. Yes, I do.

14 Q. Do you see a call placed at 8:23 on the night of  
15 Friday, December 3, 2004?

16 A. Yes, I do.

17 Q. What cell site tower was involved in the placement  
18 of that call?

19 A. Site tour ID is 06536 which is an AT&T Wireless  
20 cell tower on Oceanside Boulevard in Oceanside.

21 Q. Do you see a called placed at 8:39 that Friday  
22 night?

23 A. Yes, I do.

24 Q. What cell site tower was involved in the placement  
25 of that call?

Strigaro - People - Direct

1 A. Cell ID 06536 which is again is Oceanside Boulevard  
2 in Oceanside.

3 Q. Do you see a call placed at 8:41 that Friday  
4 night?

5 A. Yes, I do.

6 Q. What cell site tower was involved in the placement  
7 of that call?

8 A. Same cell tower as before, Oceanside Boulevard,  
9 Oceanside.

10 Q. Do you see a call placed at 9:14 that Friday  
11 night?

12 A. Yes, I do.

13 Q. What cell site tower was involved in the placement  
14 of that call?

15 A. The cell ID is 01782, and that's Park Avenue in  
16 Wantagh.

17 Q. Do you see a call placed at 9:18 that Friday  
18 night?

19 A. Yes, I do.

20 Q. What cell site tower was involved in the placement  
21 of that call?

22 A. That cell ID is 05096 which is in South  
23 Farmingdale. I think it's Langdon Boulevard.

24 Q. Do you see a call placed at 9:19 that Friday  
25 night?

Strigaro - People - Direct

1 A. Yes.

2 Q. What cell site tower was involved in the placement  
3 of that call?

4 A. Cell ID 05096 South Farmingdale.

5 Q. Do you see a call placed at 9:26 that Friday  
6 night?

7 A. Yes, I do.

8 Q. What cell site tower was involved in the placement  
9 of that call?

10 A. Tower ID is 11205. That's I believe Adams Avenue  
11 in Bethpage.

12 MR. HAYDEN: Nothing further at this time,  
13 Your Honor..

14 MR. LEMKE: May I?

15 THE COURT: Yes, Mr. Lemke.

16 CROSS EXAMINATION

17 BY MR. LEMKE:

18 Q. Good afternoon, detective.

19 A. Good afternoon.

20 Q. Regarding the images that have been shown just  
21 moments ago, in People's, I believe 57, so I can fully  
22 understand, so the jury can fully understand, we have a  
23 camera that are strategically placed on the Self Storage  
24 building, correct?

25 A. Yes.



Strigaro - People - Cross

1 Q. And one's placed so it's going east over North  
2 Broadway and South Broadway, correct?

3 A. Yes.

4 Q. And ones heading more kind of a northeast, correct,  
5 over South and North Broadway, correct?

6 A. Yes.

7 Q. And the images that are then taken, and more  
8 importantly the ones that are going, looking east across  
9 North and South Broadway, you began to start reducing those  
10 images, okay, on this video. This new video I think you  
11 started doing that at a time at about 8:10 p.m. on December  
12 third?

13 A. Approximately, yes.

14 Q. You say approximately. There is a clock that's  
15 shown, visibly displayed on this video, correct?

16 A. Correct, yes.

17 Q. And, that had a time of I think it was maybe 9:10?

18 A. I believe so, yes.

19 Q. But you have been able to determine that it, in  
20 fact, it was 8:10? It didn't reset itself because of either  
21 standard time or daylight savings time, correct?

22 A. Yes.

23 Q. So, if we go with 8:10, and referring to the east  
24 camera, that area is all lit up, correct?

25 A. Yes.

Strigaro - People - Cross

1 Q. And that is depicted in the video, correct?

2 A. Correct.

3 Q. And, at about 8:10, there is a limo, you said the  
4 first car is a limo?

5 A. Yes.

6 Q. And where was that -- that limo was going, right  
7 there, parking right there?

8 A. In that particular instance that car we first  
9 picked it up on the field of view from the northeast camera.  
10 It was actually parked in the parking lot which is directly  
11 north of the storage facility. It leaves its parking lot,  
12 makes a right hand turn, and travels southbound on Broadway  
13 and enters the field of view of the eastbound camera.

14 Q. Okay. So, if you take the two cameras as it's  
15 situated, you're able to determine, if you take a look at the  
16 northeast corner, you may see a vehicle coming down, right,  
17 and then it leaves that view, or leaves that zone of viewing  
18 from that camera, and it can be picked up in the east camera,  
19 correct?

20 A. Yes.

21 Q. And vice versa, if a car's coming up north on  
22 Broadway, it enters into the zone of influence or the zone  
23 itself, the camera clicks, gets an image, the vehicle leaves,  
24 and then is picked up by the northeast camera, correct?

25 A. That would be correct.

Strigaro - People - Cross

1 Q. At about 8:10 that night the limo service, as far  
2 as we can tell, is open, isn't it?

3 A. I don't know whether it was open or not.

4 Q. Well --

5 A. I can't say.

6 Q. There is a limo business right there, correct?

7 A. Yes.

8 Q. Parked, or that location is directly across from  
9 where Mr. Calabrese was found; isn't that correct?

10 A. I believe so. It's a little bit south of where he  
11 was found.

12 Q. In fact, Mr. Calabrese was further up, closer to  
13 7-Eleven, correct?

14 A. I believe so.

15 Q. And, in fact, when that limo leaves the gates, you  
16 had also testified, to the storage facility, were open,  
17 correct?

18 A. Night of December third at that time they were  
19 open.

20 Q. The storage place was open as far as you know,  
21 correct?

22 A. I don't know whether the storage facility was open  
23 at that time.

24 Q. Well, the first vehicle comes by, you're able to  
25 determine that is the limo that comes through, correct?

Strigaro - People - Cross

1 A. Yes.

2 Q. And then I notice there's about eight other cars  
3 that are now coming either going north or south, correct?

4 A. I didn't count the number but there are cars that  
5 care travelling north and south.

6 Q. Those are the vehicles that would be picked up, and  
7 if you looked at the time, that is the actual time that that  
8 vehicle is depicted in the frame, the still frame, correct?

9 A. Correct.

10 Q. And these cameras are either light censored or  
11 moving censored?

12 Would that be correct to say?

13 A. For lack of a better term, yes, that's correct.

14 Q. Any time there is either movement or a light, the  
15 camera is activated, that is why it's picking up, for  
16 example, the person on the bicycle?

17 A. Yes.

18 Q. It picks up perhaps a moving vehicle or its  
19 headlights or taillights, correct?

20 A. Yes.

21 Q. Or perhaps if the headlights are at the northeast  
22 camera and towards the end there, individuals that walk in  
23 front of those headlights that also pick up a change in  
24 movement, and you'd have a still picture taken as well,  
25 correct?

Strigaro - People - Cross

1 A. That's correct.

2 Q. See the time, if you, if the jurors were to take a  
3 look at the upper right hand time, any time there be a change  
4 of movement, that is an accurate time minus the hour,  
5 correct?

6 A. If the camera is, or I shouldn't say the camera,  
7 it's not a function of the camera. It's the function of the  
8 DVR. The cameras are dumb. They sit there and take in  
9 everything. The DVR is the actual brains of the system. And  
10 based on its programming parameters that has it put into it,  
11 if there's enough change in light given the field of view of  
12 that particular camera it records an image.

13 Q. Okay, but the time itself, when you're looking at  
14 it, there's a time that Mr. Calabrese's vehicle comes up  
15 north, correct, on North Broadway, correct?

16 A. Yes.

17 Q. And, your able, to identify that with the other  
18 detectives, you have photographs of Mr. Calabrese's vehicle,  
19 and you're able to decide that is his car, and then it leaves  
20 that area and pulls into the northeast camera, correct?

21 A. Yes.

22 Q. And there's a time that that vehicle pulls over,  
23 correct?

24 A. Yes.

25 Q. And there is also a time recorded where the other

Strigaro - People - Cross

1 vehicle had already been there for perhaps maybe four to five  
2 minutes; is that correct?

3 A. Approximately, yes.

4 Q. And, the still imaginary shows that the lights on  
5 that vehicle, at first, not Mr. Calabrese, the other one,  
6 when it parked, first they were shut off, correct?

7 A. When it first parked I believe the car you're  
8 talking about, the lights stayed on.

9 Q. But then they went off, correct?

10 A. Yes.

11 Q. Then they went back on again, correct?

12 A. Yes.

13 Q. Before Mr. Calabrese's car ever got there,  
14 correct?

15 A. Yes.

16 Q. And that is recorded on the imagery, and the time  
17 of that is recorded, correct?

18 A. Yes.

19 Q. Now, after Mr. Calabrese's car is there to the  
20 point that the car behind it pulls out is about forty two  
21 seconds; isn't that correct?

22 A. Say that again.

23 Q. When Mr. Calabrese's car pulls up along the curb,  
24 there is a picture taken, there's a time that is associated  
25 with that, correct?

Strigaro - People - Cross

1 A. Yes.

2 Q. And then there is another time where that car, not  
3 Mr. Calabrese's, the other one pulls away from the curb,  
4 correct?

5 A. Yes.

6 Q. About forty-one seconds later, correct?

7 A. I am not sure of the exact time but there's a time  
8 period between the car pulling up and stopping and then the  
9 other car pulling away.

10 Q. That would be recorded on the upper right hand  
11 corner, correct?

12 A. Yes.

13 Q. Now, when the car apparently stops, the brake  
14 lights go on, that is why there is another image, correct?

15 A. It appears as though activation of the brake lights  
16 was enough to trigger it to record an image.

17 Q. So, wasn't that car either stopped for a second or  
18 two, certainly depicted in this picture, correct, or the  
19 imaginary?

20 A. It could have been.

21 Q. Now, when I went -- sometimes we see the first  
22 video with the lights and cars going back and forth, that  
23 was, I think you had indicated you and the other detectives  
24 were playing with it to try to get either a better angle of  
25 the car or see the car and so forth, correct?

Strigaro - People - Cross

1 A. Yes.

2 Q. You didn't take a first imaginary, just go right  
3 through for the half hour and put that tape to the side, and  
4 then go and try to play back and forth, you took the  
5 imaginary as you were asking or asked to go back and forth,  
6 correct?

7 A. That particular camera, that's correct.

8 MR. LEMKE: Nothing further. Thank you.

9 THE COURT: Mr. Hayden, anything further?

10 MR. HAYDEN: Just briefly, Judge.

11 REDIRECT EXAMINATION

12 BY MR. HAYDEN:

13 Q. Counsel on cross examination went into what  
14 activates the system, what spurs the system to record an  
15 image.

16 Just describe that again for the jury, it's not just  
17 simple light or simple movement, it's a significant enough  
18 change to trigger the system; is that right?

19 A. In this particular DVR, the level that requires the  
20 system to be triggered to record was set at a mid-range  
21 level. Meaning that if, in this particular instance, it  
22 would require a fair amount of change in light in a  
23 substantial area in order to get the DVR to trigger to  
24 record.

25 In this particular situation, the actual screen that, or



Strigaro - People - Redirect

1 image that is captured by any particular camera gets divided  
2 into a matrix. A number of boxes going across horizontally,  
3 a number of boxes going vertically.

4 This particular DVR, with that sensitivity setting, in  
5 order for it to capture information or start to record, would  
6 require change in light in probably two to three of those  
7 boxes in order for it to record.

8 Q. As far as the limo place is concerned. You see a  
9 vehicle drive away from the vicinity of the limo place  
10 heading south on Broadway; is that right?

11 A. Yes.

12 Q. That is before you see the vehicle of interest?

13 A. That's correct.

14 Q. That is the last activity you see anywhere near  
15 that limo place; is that right?

16 A. During the time frame I searched, that's correct.

17 Q. As far as the time depicted on the images recorded  
18 by the system, if that time is no more accurate than the  
19 system's time was accurate, in other words, if that clock was  
20 off by several seconds, by twenty seconds, by thirty seconds,  
21 that would be reflected in the time you have there. There is  
22 no guarantee that that time is accurate to the second; is  
23 that right?

24 A. You mean to actual time, is that what you're  
25 talking about?

Strigaro - People - Redirect

1 Q. Yeah. We don't know the time recorded is  
2 necessarily accurate to the second?

3 A. Well, the time inputted into the system is only as  
4 accurate as the person that puts it in initially and then as  
5 the system, you know, operates, just as with any computer or  
6 electronic device, the time can, you know, wonder around. It  
7 can go slower. It can go faster than the actual time. So,  
8 it's only an approximation.

9 MR. HAYDEN: Nothing further, Your Honor.

10 RECROSS EXAMINATION

11 BY MR. LEMKE:

12 Q. Detective, it's your testimony now that this  
13 complicated system you spent about an hour instructing us on  
14 how it works, the timing is wrong?

15 MR. HAYDEN: Objection. That is not the  
16 testimony.

17 THE COURT: Overruled.

18 Q. Or was the time correct?

19 A. The times on the digital video recorder are  
20 approximate times that it recorded.

21 Q. Could you step down with the Court's permission,  
22 please.

23 Could you go to 8:35, please.

24 A. 8:35 what?

25 Q. Is that 8:35.08? 8:35.08?

## Strigaro - People - Recross

1 A. That is 8:35.08.

2 Q. Okay. What time does it read?

3 A. It reads 9:35.08 p.m.

4 Q. We know it's 9:35 based on you check it with your  
5 time, your watch, when you were there?

6 A. Right.

7 Q. Now, go to the next time. There's an image.

8 Records another image at 9:35.33, which would be twenty-five  
9 seconds later?

10 A. Correct.

11 Q. Is that correct?

12 In other words, that is twenty-five seconds from the time  
13 the car was first there until now there's that movement  
14 again. It's not three minutes?

15 A. You're absolutely right. That's correct.

16 Q. So, the number, as it changes from 9:35 to 9:36,  
17 that is only a minute, that is not five minutes or ten  
18 minutes, that is sixty seconds in this case, fifty-two  
19 second, forty-two seconds, correct?

20 A. Correct.

21 MR. LEMKE: Thank you.

22 THE COURT: Anything further.

23 MR. HAYDEN: No, Your Honor.

24 THE COURT: Thank you.

25 THE WITNESS: You're welcome.

## Proceedings

1 THE COURT: Have a good day.

2 THE COURT: Counsel, approach the bench,  
3 please.

4 (Whereupon, there was a bench conference held off  
5 the record.)

6 THE COURT: Ladies and gentlemen in the  
7 gallery, I'd ask you to remain seated until the jury  
8 leaves the courtroom.

9 As you saw I just had a conference at the bench.  
10 We're moving into some witnesses now that will probably  
11 be more lengthy. So, accordingly, instead of breaking  
12 that up I am going to break for the day, get out of here  
13 early, beat the traffic, and resume tomorrow. Get a  
14 full day. As I told you this morning, I am not only on  
15 schedule, I am ahead of schedule.

16 So, I'm going to give you the same admonition you  
17 hear every time we break. You must not converse among  
18 yourselves or with anyone else upon any subject  
19 connected with the trial. You must not read or listen  
20 to any accounts or discussions of the case in the event  
21 it is reported by newspapers or other media. You must  
22 not visit or view the premises or place where the  
23 offense was allegedly committed, or any other premises  
24 or place involved in the case.

25 Prior to your being discharged, you must not

## Proceedings

1 request, accept, agree to accept, or discuss with any  
2 person the receiving or accepting of any payments or  
3 benefits in consideration for supplying any information  
4 concerning the trial. You must promptly report to the  
5 Court any incident within your knowledge involving an  
6 attempt by any person to improperly to influence any  
7 member of the jury.

8 You shall not access the Internet or Worldwide Web  
9 by any means available to you for the purpose of either  
10 learning about this case or to learn about the law or  
11 any legal issues concerning this case.

12 I am going to tell you that we should report back  
13 tomorrow at approximately 9:15. Okay. Pushing it back  
14 a little bit because by the time we get it altogether  
15 and get going, it's usually closer to ten. So, be here  
16 about 9:15.

17 Remember what I have told you. Probably encounter  
18 it to some degree with respect to the parking. Although  
19 some vacations are taking place now, so maybe it's not  
20 that bad, I am not sure. But you might want to still  
21 come early, grab some coffee or whatever.

22 All right. We will get a full day in tomorrow, and  
23 we're doing good. We're ahead of schedule. Have a  
24 great night.

25 (Whereupon, the following takes place outside the

Proceedings

1 presence of the jury.)

2 THE COURT: Court's in recess until tomorrow.

3 We will try to get started by ten. Okay. Have  
4 everybody ready. Let's get going.

5 (Whereupon, the trial was adjourned to June 8,  
6 2005.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25